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Letter dated 17 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 17 October 2012 from His Excellency Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

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Annex to the letter dated 17 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Dimitris Christofias, during the latest plenary meeting of the General Assembly, which was held on 25 September 2012, and to bring to your attention the following considerations.

It is unfortunate that each year during the opening meeting of the General Assembly, the Greek Cypriot side, which purports to be the "Government of the Republic of Cyprus", prefers to continue with its practice of exploiting its usurped title in order to distort the legal and historical facts pertaining to the Cyprus problem. I, therefore, deem it necessary to set the record straight, once again, regarding the realities that have been prevailing in Cyprus for more than half a century.

The partnership Republic of Cyprus, which was founded in accordance with international treaties, was in fact destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner and there has not been a joint central administration in the island ever since. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Consequently, as of 21 December 1963 there was no longer an entity capable of representing the "Republic of Cyprus", which was established on the basis of the 1960 international agreements, since one of the partners, namely the Turkish Cypriot side, was ousted by force of arms from all organs of the State and its Government.

In his statement Mr. Christofias' reference to the Turkish intervention in 1974 as "invasion" and the subsequent presence of Turkish troops on the island as "occupation" reflects neither the legal nor the historical facts of the island. As you are well aware, none of the Security Council resolutions on Cyprus refer to the rightful intervention of Turkey as "invasion" or its continued presence on the island to deter further Greek Cypriot atrocities as "occupation". As is well known, the Turkish intervention of 1974 is fully legitimate under international law since it was conducted in accordance with her rights and obligations deriving from the 1960 Treaty of Guarantee. Thus, the Cyprus problem is not one of "Turkish invasion and occupation", as often conveniently portrayed by the Greek Cypriot leadership, but one of continued usurpation of the fundamental rights, whether inherent or stemming from the international treaties, of the Turkish Cypriot people by their former partner with a view to ridding them of their internationally endorsed equal status and reducing them to a minority in Cyprus.

It is no surprise that during his statement, the Greek Cypriot leader repeated the well-known Greek Cypriot rhetoric in an effort to play the role of the victim, such as the so-called "mass transfer of settlers from Turkey", "violation of human rights and fundamental freedoms of the tens of thousands of displaced persons" as well as "the usurpation of their property and the rights of the enclaved", when indeed it is the Turkish Cypriot people whose most basic human rights have been persistently violated by the Greek Cypriot side since 1963, first in the form of an all-out attack for their total annihilation and then in the form of an all-embracing embargo that covers all fields of life.

In an effort to conceal the fact that the Greek Cypriot leadership has the sole responsibility for the current stalemate in the negotiations, Mr. Christofias blatantly distorts the facts of the negotiating process by falsely accusing President Eroğlu despite the latter's continued efforts to move the process forward after his election as the Turkish Cypriot leader. As a matter of fact, the Turkish Cypriot side has always adopted a positive and constructive approach in the process since the commencement of the negotiations in 2008 and it was always the Turkish Cypriot side that brought creative and new ideas to the table with a view to finding a common ground with the Greek Cypriot side for a compromise settlement. The Greek Cypriot leadership, on the other hand, had always preferred to repeat its well-known positions in the form of long "position papers" and insisted that the Turkish Cypriot side accept them.

The allegations of the Greek Cypriot leader aimed at misrepresenting the circumstances with regard to the negotiations are also unfounded. Indeed, the sole reason for the current impasse in the negotiations is the Greek Cypriot policy of playing for time while paying only lip service to settlement negotiations. As a result, due to the objections of the Greek Cypriot side, it was not possible to convene, with the participation of the guarantor countries, a high-level meeting to complete the final phase of the negotiations as the Secretary-General described it. Consequently, in the absence of a common understanding between the two parties on "the way forward", the substantive negotiations have come to a standstill. The public statement of Mr. Christofias that he would not run again for the Greek Cypriot leadership in the forthcoming elections in the South was another pretext utilized by the Greek Cypriot side to ignore the calls of the Turkish Cypriot side for meaningful discussions to agree on "the way forward".

In keeping with his usual selective approach while referring to the agreed basis for a solution, in his statement, Mr. Christofias conveniently omits, inter alia, one of the most fundamental parameters of the agreed basis: that in the event of a settlement there shall be two Constituent States of equal status, which was contained in the 23 May 2008 joint statement he concluded with the Turkish Cypriot side. The insistence of the Greek Cypriot leader to maintain a misleading approach as regards the agreed basis, creates further doubt as to his sincerity pertaining to the efforts carried out under the auspices of the Secretary-General for a fair and comprehensive settlement on the basis of the established United Nations parameters.

With regard to the issue of hydrocarbon exploration activities in the Eastern Mediterranean, it should be mentioned that it is the provocative actions of the Greek Cypriot side that is exacerbating tension in the region. As is known, the Greek Cypriot side has been engaged, unilaterally and unlawfully, in hydrocarbon exploration and drilling activities in order to create a fait accompli as regards the matter. In the face of the continued Greek Cypriot misinformation campaign, it needs to be reiterated that the Turkish Cypriot people, as one of the two equal partners on the island, are entitled to equal and inherent rights in every field, including the exploration, extraction and administration of the natural resources that lie within the maritime jurisdiction areas of the island. As the politically equal co-founding partner of the 1960 Republic of Cyprus, destroyed by the Greek Cypriots in the name of union with Greece, and as an equal partner in any future comprehensive settlement, the Turkish Cypriots undeniably have an equal and inherent right and say regarding the natural resources of Cyprus, including in sea areas of the island. There is an established understanding at the negotiations

between the two sides, including the most recent process, that issues related to the delimitation of maritime jurisdiction areas of the island of Cyprus will be left to the discretion of the new partnership government, where Turkish Cypriots and Greek Cypriots will share power on the basis of political equality. Moreover, in accordance with international law, the Greek Cypriot administration has no right to conclude bilateral agreements to delimit maritime jurisdiction areas or to conduct exploratory surveys or drilling activities in the Eastern Mediterranean. As is known, the delimitation of the continental shelf or the exclusive economic zone in a semi-enclosed sea, such as the Eastern Mediterranean, can be achieved only by the agreement of all parties and taking into account the rights and interests of all concerned under international law.

In view of the fact that the Cyprus problem remains unresolved and that the Turkish Cypriot and Greek Cypriot sides have not yet reached a mutual agreement on the issue of petroleum/natural gas, we believe that the issue of hydrocarbon exploration in the Eastern Mediterranean can be utilized as an instrument for cooperation rather than conflict. In this connection, I deem it necessary to refer to the proposal put forward, as a gesture of goodwill and conciliation, by President Dr. Derviş Eroğlu in New York on 24 September 2011, and later in a more comprehensive manner on 29 September 2012, regarding fair and equitable distribution of the hydrocarbon resources of the island. This proposal, in essence, envisages the establishment of a tripartite committee comprising a Turkish Cypriot, a Greek Cypriot and a United Nations representative to tackle all aspects of the matter in a fair and amicable manner. On the condition that the establishment of such a committee is accepted by the Greek Cypriot leadership, the proposal also includes the offer that the hydrocarbon resources are transported to Europe by a pipeline via Turkey (readiness of the Turkish authorities for the establishment of such a pipeline is also confirmed in the proposal). In fact, it is widely accepted by experts that the most viable route for transporting Eastern Mediterranean hydrocarbon resources to Europe is through a pipeline from Turkey. Thus, if the Greek Cypriot administration responds positively to this constructive proposal, an important issue that has been exacerbating tension in the region will be settled in an amicable and mutually beneficial manner and it will help to establish an atmosphere of cooperation, rather than confrontation, in the region.

I would like to remind the Greek Cypriot leadership, once again, that their counterpart is the Turkish Cypriot side, not Turkey. Moreover, I wish to stress that the continued attempts of Mr. Christofias to undermine and sideline the Turkish Cypriot side and its elected leadership do not instil confidence in the Turkish Cypriot people, but rather create serious doubt as to the readiness of the Greek Cypriot side for a genuine power-sharing agreement with the Turkish Cypriots.

Availing myself of this opportunity, I would like to thank the United Nations staff working in New York and in Cyprus for their dedication and praiseworthy efforts to help the two parties achieve a comprehensive settlement and bring the Cyprus problem to a closure. I believe that the continued interest and support of the international community, in general, and that of the United Nations, in particular, is of vital importance in the search for reconciliation in Cyprus.

(*Signed*) Hilmi **Akil**
Representative